

**EXHIBIT 2**

LEXSTAT FLA. STAT. 46.021

LexisNexis (R) Florida Annotated Statutes  
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\*\*\* and the 2007B and 2007C and 2007D Special Sessions \*\*\*  
\*\*\* Annotations Current through September 28, 2007 \*\*\*

TITLE 6. CIVIL PRACTICE AND PROCEDURE (Chs. 45-88)  
CHAPTER 46. PARTIES

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*Fla. Stat. § 46.021 (2007)*

§ 46.021. Actions; surviving death of party

No cause of action dies with the person. All causes of action survive and may be commenced, prosecuted, and defended in the name of the person prescribed by law.

**HISTORY:** s. 30, Nov. 23, 1828; RS 989; GS 1375; RGS 2571; CGL 4211; s. 1, ch. 26541, 1951; s. 2, ch. 67-254.

**NOTES:**

NOTE.--Former s. 45.11.

LexisNexis (R) Notes:

**CASE NOTES**

1. Trial court improperly granted a franchisor's motion for summary judgment in a personal representative's wrongful death action against the franchisee, its employee, and the franchisor arising out of the decedent's motor vehicle accident with the franchisee's employee driving the franchisee's van; although the franchise agreement provided that the franchisee was an independent contractor, a multitude of facts had to be examined to determine the nature of the franchisee-franchisor relationship and whether the franchisee was the actual agent of the franchisor. *Font v. Stanley Steamer Int'l, Inc.*, 849 So. 2d 1214, 2003 Fla. App. LEXIS 11142, 28 Fla. L. Weekly D 1719 (Fla. Dist. Ct. App. 5th Dist. 2003).

2. Trial court improperly granted a franchisor's motion for summary judgment in a personal representative's wrongful death action against the franchisee, its employee, and the franchisor arising out of the decedent's motor vehicle accident with the franchisee's employee driving the franchisee's van; although the franchise agreement provided that the franchi-